

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Marcus Dwain Wright,)	Civil Action No.: 4:15-2442-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
)	
Officer BJ Sawyer, individually and in)	
their official capacities; Officer 2)	
Unknown, individually and in their)	
official capacities)	
)	
Defendants.)	

Plaintiff Marcus Dwain Wright ("Plaintiff"), an inmate with the South Carolina Department of Corrections, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.)¹ In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial handling and a Report and Recommendation ("Report").

This matter is before the Court on Defendant Officer 2 Unknown's motion to dismiss, (ECF No. 38), and Plaintiff's motion to amend/correct his Complaint, (ECF No. 77). On June 15, 2016, Magistrate Judge West issued a Report recommending that Defendant's motion to dismiss be denied as moot and Plaintiff's motion to amend/correct his Complaint be granted. (ECF No. 87.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 87-1.) Defendant filed no objections and the time for doing so expired on July 5, 2016.

¹ Plaintiff filed an Amended Complaint on June 24, 2015, (ECF No. 8).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference. Defendant’s motion to dismiss (ECF No. 38) is DENIED as moot and Plaintiff’s motion to amend/correct his Complaint (ECF No. 77) is GRANTED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

July 6, 2016
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.